

# Exhibit A

## Bernard Black

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**From:** Bernard Black  
**Sent:** Tuesday, May 19, 2015 4:30 PM  
**To:** Pamela Kerr  
**Cc:** d.zen@q.com; Lisa Diponio; Carl Glatstein; Patrick Thiessen; Bernie Poskus  
**Subject:** RE: Wells Fargo withdrawals  
**Attachments:** 2014-activity-Joanne-all-accounts-2015-0222-bb.xlsx

Bernie

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Bernard S. Black

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**From:** Pamela Kerr [mailto:[pam@kerrfa.com](mailto:pam@kerrfa.com)]

**Sent:** Friday, May 15, 2015 7:26 PM

**To:** Bernard Black

**Cc:** d.zen@q.com; Lisa Diponio; Carl Glatstein

**Subject:** RE: Wells Fargo withdrawals

Bernard,

When I said she was on the road, I certainly meant through 6/3/2013. That was an error since some of these were made after she was "on the road." The total withdrawals out of the Wells Fargo account after 6/3/2012 are \$10,734.14 to be exact.

BSB: Through April 12, Joanne was on her own, and I attribute withdrawals to her. From April 12 through June 2, Joanne was not hospitalized, but was under the control of Esaun Pinto. Mr. Pinto had her Chase debit card, was using it, and was reporting to me, and billing me for, expenses on

Joanne. Any additional withdrawals from the Wells Fargo account are highly likely to be fraudulent because if Joanne was spending money from Wells Fargo to cover her own expenses, Esaun Pinto should not have been billing me for the same expenses. The timing of the withdrawals is also inconsistent with this being spending on Joanne. The account was fully depleted on May 3, the day that the SSDI deposit hit. The same pattern recurs on June 3, the day she entered the hospital.

How do you know that these withdrawals out of the Wells Fargo account were made by Esaun and not by someone that had stolen or found Joanne's card? It is possible that she had written the PIN on a piece of paper attached to the card. Believe it or not, a lot of people do this.

BSB: This is why I traced the exact locations of the withdrawals. The \*someone\* (other than Esaun Pinto) who hypothetically had Joanne's card \*somehow\* uses the EXACT SAME ATM LOCATIONS that Esaun Pinto used to withdraw funds from Joanne's Chase account.

Then on Octo 28, 2013, that someone (other than Esaun Pinto) hypothetically traveled to Ellenwood Georgia and withdrew funds from Joanne's Wells Fargo account there. And purely by coincidence, Esaun Pinto happened to be in Ellenwood Georgia on the exact same day and withdrew funds from Joanne's Chase account. Yeah, right!

The pattern of withdrawals from both accounts at the exact same locations, sometimes on the exact same day, continues. The details are in the spreadsheet I sent to you, in column C of the "Wells Fargo w'draw detail" worksheet of the spreadsheet. I attach it again.

I should note that I confirmed with Esaun Pinto at the time (mid-2013) that the Wells Fargo debit card was in Joanne's possession. I assumed that he was telling the truth. If he is now claiming someone else had it, that is not what he told me then, and is not consistent with the record of withdrawals from this account.

Esaun had Joanne's Chase debit card. This I knew.

Bernard, if you knew Esaun had Joanne's Chase debit card and was making withdrawals, why didn't you close the account or freeze the debit card? The ATM withdrawals after 6/3/2013 totaled \$37,169.91. I have an email from you to Esaun dated 5/31/2013 reflecting the fact that you knew Esaun was making these withdrawals and you did not close the account or have the debit card frozen. This allowed Esaun to make withdrawals out of Joanne's funds when you were the Conservator. If Esaun wanted to get paid, he should have provided you with receipts and invoices to get paid. I have prepared a schedule of all of Esaun's invoices and the amounts he reflected as ATM withdraws that I will be analyzing once I'm done going through your emails. If he needed funds up front, you could have given him essentially a retainer that you could track and keep track of the receipts.

BSB: As long as I could track the withdrawals, I did not see why it mattered how he got paid, directly from me (from the Estate account) or by withdrawing funds from Joanne's Chase account). The total amount he would receive would be the same. Thus, I did not see the need to close the account, nor to instruct Esaun Pinto not to use the card. I later learned that he did not report his withdrawals honestly, but I did not know that at the time.

With benefit of hindsight, I regret that I did not require Esaun Pinto to provide backup for his claims on expenses. I believe that for any expenses that he cannot support, he should be liable to return those funds to Joanne Black and, if he cannot do so, then Cherie Wrigley should be liable to do so, since he claimed to be working for her.

I did not know he had the Wells Fargo card, I did not know he was making withdrawals, and was relying on him to honestly report his withdrawals from Chase. He didn't do that either, but at least the Chase withdrawals I knew about and could track. How were you tracking these withdrawals?

**BSB:** I was not tracking these withdrawals at the time. I treated this as Joanne's account, and assumed that the SSDI payments were simply piling up in Joanne's account. I confirmed with Esaun Pinto at the time (mid-2013) that the Wells Fargo debit card was in Joanne's possession. In the fall of 2014, after I developed reason to be suspicious of Esaun Pinto, I went to a local Wells Fargo branch and they provided me with past statements. They were willing to do this because I was Joanne's conservator.

I'm a little bit confused about this because on your 2013 Conservator Report, you listed all of these withdrawals out of Account #5372 (the Chase account) on Exhibit C but it doesn't appear that you included them in Step 3 Disbursements/Expenses by category. On Page 7 of the Amended Conservator Report for 2013 you listed a total of Disbursements/Expenses as \$32,031.00 yet the total "Less: Total Amount Disbursed" on pages 3,4 & 5 (Exhibits A-C) total \$40,365.18. If you deduct the \$6,031.18 from the disbursements (payments to Accountant/CPA) the difference is the \$26,000.00 that you listed as "Disbursements to Protected Person." Essentially you reported that the ATM withdrawals were "Disbursements to Protected Person" yet you are saying in this email that these withdrawals were made by Esaun.

**BSB:** I deposited \$500 weekly (\$26,000 for the year) to Joanne's Chase account(s). There was also a one-time transfer on April 20, 2013 from my personal Chase account, that I treated as Estate spending on Joanne, for which the Estate later reimbursed me. These disbursements were made to Joanne's bank account at Chase. Joanne, for her part, allowed Esaun Pinto to use her debit card, for various purposes, including spending on Joanne's own expenses. At least this is how I saw matters, when I completed my 2013 report. So I would say that the funds were indeed "disbursed to protected person."

I'm just trying to figure out all of these transactions so that I can get the right information in my report. I am using your replies as additional information.

I will send you a separate email regarding the accounts you reported on the 2013 Amended Conservator Report as compared to actual.

***Pam***

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